

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STATE OF OHIO	)	CASE NO.: 4:18CR737
	)	
Plaintiff,	)	JUDGE SARA LIOI
v.	)	
	)	<u>DEFENDANT'S SENTENCING</u>
ANTHONY J. WEST	)	<u>MEMORANDUM</u>
	)	
Defendant.	)	
	)	
	)	

**NOW COMES** the Defendant Anthony West, by and through the undersigned counsel and pursuant to Fed. R. Crim. P. 32, 18 U.S.C. §3553, and 18 U.S.C. §3661, hereby submits a Sentencing Memorandum for this Honorable Court's review and consideration.

Respectfully submitted,

**MCNEAL LEGAL SERVICES, LLC.**

/s/ Christopher McNeal  
CHRISTOPHER MCNEAL, ESQ. (0096363)  
5333 Northfield Road, Suite 300  
Bedford Heights, Ohio 44146  
(440) 703-0257  
(216) 472-8759 (facsimile)  
chris@mcneallegalservices.com

Counsel for Anthony West

## **MEMORANDUM IN SUPPORT**

### **I. Background**

On December 12, 2018 Anthony West was named in a one count indictment, charging him with Possession with Intent to Distribute Cocaine Base, Cocaine, Heroin, and Marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 841(b)(1)(C), and 841(b)(1)(D). On January 8, 2019, a three-count Superseding Indictment with a was filed against Mr. West, charging him with Possession with Intent to Distribute Cocaine Base, Cocaine, Heroin, and Marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 841(b)(1)(C), and 841(b)(1)(D); Possession with Intent to Distribute Cocaine Base, Cocaine, and Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 841(b)(1)(C), and 841(b)(1)(D); and Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). On August 20, 2019, the defendant pled guilty, pursuant to a plea agreement, to Counts 1 and 2 of the indictment. Count 3 is due to be dismissed on motion by the government. This case was referred to the United States Pretrial Services and Probation Office for preparation of a Presentence Investigation and Report (hereinafter referred to as “PSR”)

### **II. Sentencing Factors**

Title 18 U.S.C. 3553 (a) provides in part that district courts “shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection.” Those purposes are the need for the sentence imposed to: reflect the seriousness of the offense; promote respect for the law, provided just punishment for the offense; afford adequate general deterrence; protect the public from further crimes of the defendant; and provide the defendant with needed education

or vocational training, medical care, or other correctional treatment in the most effective manner. 18 U.S.C. §3553 (a)(2).

Beyond the advisory Sentencing Guidelines, Section 3553(a) instructs the Court to consider the nature and circumstances of the real offense conduct; the history and characteristics of the defendant; the need for the sentence imposed to reflect the purposes of federal sentencing; the kind of sentences statutorily available; the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and the need to provide restitution to any victims of the offense. In summary, the Court is to exercise its sound direction to impose a reasonable sentence considering the multiple factors in Section 3553(a).

### **III. Evaluation of Guideline Range**

The base offense level using the current advisory sentencing guideline is twenty-six (26). Mr. West received a 2-level enhancement for maintaining a drug premises. Mr. West has accepted responsibility, and therefore pursuant to USSG 3E 1.1 (a) and (b), the offense is reduced by three (3) levels. Therefore, the total offense level listed in the PSR is twenty-five (25). According to the Criminal History Category computation in the PSR, Mr. West has fourteen (14) criminal history points, corresponding to a Criminal History Category VI. Pursuant to USSG chapter 5, Part A, the guideline range of imprisonment for an offense level of twenty-five (25) and a criminal history category VI is 110-137 months; the guideline range for an offense level of twenty-one (21) and a criminal history category VI is 77-96 months.

### **IV. Application of the Sentencing Factors to Anthony West**

(A) The nature and circumstances of the offense and history and characterizations of Anthony West

Mr. West is 35 years old and was born and raised by his mother in a violent and drug-riddled section of Youngstown, Ohio. Mr. West's father was absent for much of his childhood due to his own incarceration, and was subsequently murdered when Mr. West was but a child. In addition to the loss of his father, Mr. West also witnessed the murder of his best friend during his youth. Mr. West's mother began a romantic relationship with another man, Ronald Clark, following his father's death. Mr. Clark became a father figure to Mr. West, and although Clark was a stabilizing force in Mr. West's life, Mr. Clark who also has been convicted of several drug trafficking offenses. Mr. West witnessed his childhood home raided by law enforcement officers on multiple occasions. When Mr. West was sixteen years old, his step-brother was also murdered. Despite Mr. West's turbulent childhood, he excelled at sports, played football and graduated from Wilson High School.

Mr. West has struggled to obtain gainful employment throughout his life. His criminal record has handicapped his efforts to find employment sufficient to provide for his large family, which includes (4) four natural children, and three step-children with his fiancé. For approximately (3) three years between 2011 and 2013, Mr. West was gainfully employed as a construction worker, but he lost his job when he was arrested on a prior offense. In 2017, Mr. West successfully established his own business, Custom Concrete and Stamp, in Youngstown, OH, which he managed up until his arrest on the instant offense.

Mr. West is engaged to Tiera Jackson, who is a nursing assistant. The couple have seven (7) children between them. (PSR, paragraph 60-61). Ms. Jackson has been very supportive of Mr. West, and has characterized Mr. West as a good father. Mr. West's ex-girlfriend, Latoya Whitfield, with whom he has two natural children, and another daughter he has helped raised, has also applauded Mr. West's devotion to his children. It should be noted that Mr. West is not subject to any child support orders due to his dedication to provide for all of his children.

In addition to his immediate family, Mr. West has been an asset to his extended family. Before his arrest, he regularly visited and assisted in caring for both his mother and grandmother, the latter of which has been incapacitated due to a stroke. Mr. West has always been generous with his time and money. He regularly looked after not only his family, but also at-risk youths. Mr. West volunteered to coach a youth football team, and would regularly donate money and coordinate fundraisers to help the youth football clubs, and even to help the poorest children purchase clothing and supplies for school. Mr. West is also well liked in the community, and beloved by his extended family as evidenced by the letters of support attached hereto as Exhibit 1.

The full measure of Anthony West is that he is a product of his environment, who has tried to provide for his family in the manner in which he was socialized. Notwithstanding his succumbing to the negative influences of crime which have enveloped him since birth, he has maintained strong family values. He has been present and provided for his children, and has even endeavored to improve the lives of others to whom he owes no duty. Mr. West is not the inveterate criminal that a cold review of his criminal record may indicate; but rather he is a troubled young man, who desires to do

right by his family and community, and will very likely be successful in do so if given the proper rehabilitative tools and resources.

(B) A Sentence Tailed to Provide Mr. West with Needed Correctional Treatment

Mr. West accepts the fact that his alcohol and drug use made him vulnerable to this criminal activity and believes he would benefit from drug treatment counseling and requests the Court recommend the defendant be permitted to Bureau of Prisons Comprehensive Residential Drug Abuse Program (RDAP) pursuant to B.O.P. Program, statement 5330.10.

(C) The Need to Protect the Public from Further Crimes

The need to protect the public after the defendant is not so high as to justify a higher sentence than what is already within the guidelines. Mr. West's guidelines range, which he has accepted as part of his plea agreement, calls for a minimum of (77) months. Six years and four months is a lot of time to spend in prison for a non-violent drug offense such as what Mr. West is guilty of committing

Mr. West has maintained that the pistol confiscated from his residence was never possessed by him, as he has had a very strong aversion to guns and violence since the incident in which he was convicted of involuntary manslaughter. The pistol actually belonged to his fiancé, Tiera Jackson, who attempted to keep the pistol locked in a safe without any access to Mr. West.

**CONCLUSION**

The defendant recommends a sentence of 77 (seventy-seven) months, which will accomplish the purposes of sentencing and the goals enumerated in USSG § 3553. The

seventy-seven (77) months is both reasonable and sufficient, but not greater than necessary to accomplish the purpose of § 3553. In addition, the defendant West requests the Court recommend the RDAP programs, and placement at F.C.I. Elkton in Youngstown, Ohio and to waive any fine in this matter.

Respectfully submitted,

/s/ Christopher McNeal

CHRISTOPHER MCNEAL, ESQ. (0096363)

Counsel for Anthony West

**CERTIFICATE OF SERVICE**

A copy of the foregoing Defendant's Sentencing Memorandum has been sent to all parties via electronic mail through the United States District Court Northern District of Ohio.

/s/ Christopher McNeal

CHRISTOPHER MCNEAL, ESQ. (0096363)

Counsel for Anthony West

11-15-19

Dear judge Hoy,

Hello My Name is Aniya M. West,  
I'm the daughter of Anthony J. West.  
This letter is to inform you on how my  
father participates in my life. He's always  
been a big part of my support system.  
I've Strived to the top many times to  
make my family proud but most importantly  
my father. Being able to always talk to  
him about my accomplishments kept me  
going. He's always been supportive whether  
if I did bad on a test or project or  
just need someone to listen to me.  
A child's need support and love from  
their parents so they never feel they  
aren't trying their best. Having my  
father there when I needed him the  
most meant the world to me. From  
our car rides to the nail shop or  
simply grabbing a bite to eat meant  
everything to me. There's never enough  
quality time a parent can spend with  
their child. When we sang songs  
together and make our lip stretch out  
from dragging the lyrics are quality  
moments. He wouldn't hesitate to  
put a smile on face. Having him  
send me off to my dances were



Beautiful memories. Having him as a father always made me feel lucky. I have one of the good ones. He actually cares and shows unconditional love to me and my siblings. Having a father who you can count on made my days better knowing I have a listening ear to always listen or to simply guide me through life. Building our father daughter bond has made us inseparable. Know matter how old I get I will always see myself as his little girl.

The time apart has been so inconvenient but we're taking it day by day. He's like my best friend but still has his foot down. He'll never steer me wrong I hope my letter shows you a side of Anthony you don't know. Yes, he's made mistakes but being a supportive, caring and loving father wasn't one.

Sincerely, Aniya

Your Honor,

My name is Brandy Miller, I am writing you concerning Anthony West. I've been knowing Mr West since I was about 13yrs old. We went to school together, we also graduated in the same Class of 2002.

Through your eyes, you may see Mr. West as someone who's always in and out of trouble. Friends and family we see him as someone who is caring and devoted.

Since I've known Mr. West, he's been that guy, who would give his last to help his family out. He grew up in a single parent home, with his three younger sisters. He lost his father at a young age. So as Mr. West grew older, he just always wanted to be able to be there for his family and help out the best way he could. Mr. West will literally sell you his socks

off his feet if he got to, in order  
for him to provide for his family.

I am not trying to make  
excuses for what Mr. West has  
done. I am just asking that you  
still look at him as a man and  
believe change can happen.

Thank you.

Beardy Miller  
B. Miller  
11-13-19



Dear Judge: 1909,

Anthony has Three kids with me 2 Biological kids My Second daughter Dad walk out her life when she was Born Anthony Told me don't worry About Anything I have Three kids By you He Been There Since Day One for My Daughter I am Truly Bless To Have Him As My kids father, Anthony Help me Take care of my Grandmother when she got sick I was going to School And Working at the time Anthony Told me To Stay In School And To keep my Job I will Take care of Grammy while you work and go to school so she don't have To go In The Nursing Home Me and Anthony Have A Daughter That's All She wants for graduating so I am Asking you To please please Take This letter Into Consideration I know Anthony Made a Bad choice But Anthony Really Is A Good person Me and Anthony Daughter Graduate May 5, 2020 All she wants for Graduation For ~~her dad~~ To see her graduate

Anthony donate to the less fortunate kids for christmas He Also cut his whole football Team hair for school, Games He also help Two parents get There kids School clothes Due To There Mother losing her Job Anthony Really has a Good Heart He will give you the shirt off his Back

To The Honorable Judge

I have known Anthony West since he was in 7<sup>th</sup> grade I was both surprised and troubled to hear about his recent case as he has always been a solid person. It is for this reason I am happy to write a letter of reference for him.

Anthony has always been a upright character in the community. In our friendship he has always been there for me especially when I moved to Columbus Ohio he came and stayed with me until I found a job.

Anthony always is the first one to call and wish me a Happy Birthday. He help me fundraise for my football team even though he coaches another team.

It is my sincere hope the court takes this letter into consideration despite the current case I still believe Anthony to be a honorable individual.

Sincerely, Pamela Johnson



Dear Judge

I have known<sup>U</sup> Anthony West since he was in 7<sup>th</sup> grade he has always been respectful. Every year he is the first one to call and wish me a Happy Birthday. He is a great father and step father. He was a little league coach a great motivator for the kids. When I got my own football team even though he was on the opposite team he always help me with fundraising for my team. In later years I moved to Columbus Ohio. Anthony made sure he called once a week and came to visit me at least once a month despite his current situation. I still believe Anthony to be a honorable individual.

Sincerely  
Pamela Johnson

To: Whom it May Concern, I'm Writing this letter on behalf of Anthony West, I ask that you take this hearing into Consideration and allow the Change in this young Man's life. That he Can become more active, in his Community and to be productive and to get his life back on track. and to do what's right by the law. And allow him to be more active in his Children life, and watch them grow through out the up coming year's. and as to be said. His Seventeen year old Daughter has become. and honor Scholar, at Austintown Pitch High School. His absent's has affected her grades. as if we ~~could~~ thought about getting her some. Counseling in this matter Thank you

Sincerely yours  
Mrs Daniel Conlock



To Judge Hoi

From Louise West  
for Anthony Jamar West

hello judge Livia

I am Louise West, Anthony West's grandmother. I'm writing you in hopes that you could consider being considerate to my situation. I have 8 kids and at least 100 grandkids & great grandkids and I must tell you that since my last stroke my grandson Anthony West has truly been a blessing to me and now that he is gone I barely get a visit, a haircut a scripture. Yes, my grandson was converting his life over slowly but surely would you be so kind to consider that I'm 72 years old 3 heart attacks 3 strokes and I would at least love to see my grandson before I rest my head in heaven. Thank you  
Ms. Doreia West

To: Judge Lioi

From: Akasha West

Dear Judge Lioi

Hi

My name is Akasha West. Anthony West is my cousin but I call him my uncle because he helps my mom and my Grandmom, since my cousin/uncle has been gone I can't see my grandmom because my mom doesn't have a car. Can you please bring my Uncle back to us because we need him, my grandmom needs us and we don't even see her anymore. Please

Akasha West

To Judge Iioi

From Lawanda West  
FOR  
Anthony West



Dear Judge Licio,  
this is Anthony West's  
aunt Lawanda West I have  
power of att. over my mother  
Louise West (Anthony West's Grand  
mother) I'm telling you  
this because Anthony and  
I are the two people that  
checks up on my mother, he  
helped me until I couldn't take  
care of her at home anymore  
and was my ride my mother's  
barber just was Always there  
for me and my mom

he has really been trying to change. Don't get me wrong I know he is no saint but you sure can't tell a 72 year old woman that loves and depends on her grandson. since Anthony has been gone she's very depressed, I'm hoping this touches your heart when you consider his sentence. Please be gentle he really has changed for the better, I appreciate your time

Sincerely

Lawanda West